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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,360

07/14/2003

Yechezkal Evan Spero

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07/25/2005

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EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,360	SPERO, YECHEZKAL EVAN	
	Examiner	Art Unit	
	Bao Q. Truong	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because words “comprise/comprising” should not be used in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 21 are 23 are objected to because of the following informalities:

Claim 21, is “a plurality of individual light sources” different from the “a plurality of independent light sources” of claim 20?

Claim 23, “light sources” should be changed to –the plurality of independent light sources– for consistency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 23 and 26-27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites "the required light source properties", "the lighting application requirements", "any items", "the requirement of maintaining" and "the ancillary equipment and aesthetic considerations". There are insufficient antecedent basis for these limitations in the claim.

Claim 26 recites the limitation "the light source aiming and spectral composition", "the illumination area", "the determined light sources" and "the illumination requirements". There are insufficient antecedent basis for these limitations in the claim.

Claim 27 recites the limitation "typical", "types", "the required controlled illumination", and "the glare rating". There are insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 20-24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Amerson et al. [US 6,379,022].

Regarding claim 20, Amerson et al. discloses an illuminating device having a plurality of light sources [402, 404] attached to a structure with a predetermined form

[rectangular], which have a spatial light intensity distribution characteristic and a mixing, adding and distribution of emanating light (figures 4-6, column 2 lines 62-67, column 3 lines 20-33 and 40-44).

Regarding claim 21, Amerson et al. discloses a plurality of individual light sources [402, 404] (figures 4 and 5, column 2 lines 62-67).

Regarding claim 22, Amerson et al. discloses a spectral sensitivity camera and a means for changing light emanating characteristic of light sources (figures 1-3, column 3 lines 19-25, column 4 lines 35-53, and column 5 lines 40-45).

Regarding claim 23, Amerson et al. discloses an illuminating device having a plurality of independent light sources [402, 404] attached to a structure with a predetermined form [rectangular], which have a spatial light intensity distribution characteristic and a mixing, adding and distribution of emanating color light (abstract, figures 1-6, column 2 lines 62-67, column 3 lines 20-33 and 40-44).

Regarding claim 24, Amerson et al. discloses a power supply [battery] (column 5 lines 51-52).

Regarding claim 26, Amerson et al. discloses a method for designing an application oriented luminaire having determining application and illuminance requirement [capture an image with a digital camera], determining illumination area [object to be capture], and determining light source aiming [LEDs] (figure 4, column 1 lines 11-67, column 2 lines 1-37).

Regarding claim 27, Amerson et al. discloses steps of determining lighting application and recommended lighting practice for the application [capture an image

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with a digital camera], determining luminaire mounting height [figure 4], determining light power required [light intensity control], selecting SLS types [color R, G, B LEDs], determining electronics to control [control system], determining lighting fixture surface geometry [rectangular, figure 4], and determining glare rating [light intensity control] (abstract, figures 1-6, column 1 lines 11-67, column 2 lines 1-37).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amerson et al. in view of Lys et al. [US 6,340,868].

Regarding claim 25, Amerson et al. discloses a control system to adjust light intensity (column 5 line 40); but Amerson et al. does not clearly disclose the controller being selected from the closed loop controller by use of a programming method.

Lys et al. discloses the controller being selected from the closed loop controller by use of a programming method for a current control of a LED lighting assembly (abstract, figures 1-2, column 4 lines 57-65, column 5 lines 3-5, column 6, lines 53-57, column 9 lines 45-55, column 16 lines 56-63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the control system of Amerson et al. by the current

controller as taught by Lys et al. to adjust light intensity and color for purpose of providing an advantageous way of more accuracy controlling current flow into LEDs.

Response to Amendment

9. Applicant's amendments and arguments filed 10 May 2005 have been fully considered but they are not persuasive.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. It is noted that the features upon which applicant relies (i.e., see paragraphs 0147, 0113, 0114, 0062, 0110, 0173, 0083) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further more, claims 24, 25 and 27 are Markush-type claims (see MPEP 2131.03).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

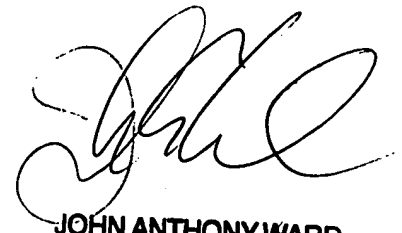
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong
Examiner
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JOHN ANTHONY WARD
PRIMARY EXAMINER